

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICHARD D. YORK,

Petitioner,

No. C09-5513 RBL/KLS

V.

MAGGIE MILLER-STOUT,

## Respondent.

ORDER DENYING MOTION FOR THE  
APPOINTMENT OF COUNSEL

This 28 U.S.C. § 2254 petition has been assigned to United States Magistrate Judge

Karen L. Strombom pursuant to 28 U.S. C. § 636(b)(1) and Local MJR 3 and 4. Petitioner has filed a motion for the appointment of counsel. Dkt. 8. Petitioner requests the appointment of counsel because he cannot afford one, his imprisonment will greatly limit his ability to litigate, the issues are complex, and his access to a law library is limited, and *Id.*

There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required, because the action is civil, not criminal, in nature. See *Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts. An evidentiary hearing has not been granted in this case and the claims in the petition are adequately set forth and articulated. Petitioner has not yet demonstrated that an evidentiary hearing is necessary or that he is entitled to one.

ORDER DENYING MOTION FOR COUNSEL - 1

1 Accordingly, it is **ORDERED**:

2 (1) Petitioner's motion for counsel (Dkt. 8) is **DENIED**.

3 (2) The Clerk is directed to send copies of this Order to Petitioner.

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5 DATED this 10th day of November, 2009.

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8 Karen L. Strombom  
9 United States Magistrate Judge